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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

13 CENTER FOR BIOLOGICAL DIVERSITY,
14 KENTUCKY ENVIRONMENTAL
15 FOUNDATION, and SIERRA CLUB,
16 v.
17 RURAL UTILITIES SERVICE, a federal agency
18 within the United States Department of Agriculture,
19 Defendant.
Plaintiffs,
Date: June 27, 2008
Time: 9:00 a.m.
Honorable Maxine M. Chesney
Courtroom 7, 19th Floor

**DEFENDANT'S AMENDED NOTICE OF MOTION
AND MOTION TO TRANSFER VENUE**

22 PLEASE TAKE NOTICE that on June 27, 2008, at 9:00 a.m., or as soon thereafter as the matter
23 may be heard, in the Courtroom of United States District Judge Maxine M. Chesney of the above-entitled
24 Court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Defendant Rural Utilities Service
25 will move this Court, pursuant to 28 U.S.C. § 1404(a) and Local Civil Rule 3-2(f), to transfer this case
26 to the United States District Court for the District of Columbia, or alternatively, the Eastern District of
27 Kentucky.

The grounds for this motion are that the case should be transferred based on the location of the events at issue for the convenience of the parties and the witnesses, and in the interests of justice. The motion will be based upon the supporting Memorandum of Points and Authorities (Dkt. #10), the Declaration of James Newby (Dkt. #11), the Declaration of Brian C. Toth and attached exhibits (Dkt. #12), and upon such further evidence and oral argument as may be presented at the hearing. Defendant's undersigned counsel has conferred with counsel for Plaintiffs, who oppose this motion.

This amended notice of motion is being filed due to the fact that the previously-noticed motion date was vacated when the case was reassigned on May 2, 2008. (Dkt. #17).

Dated: May 7, 2008

Respectfully submitted,

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

/s/ Brian C. Toth

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Of counsel:

HELEN HARRIS
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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2008, I electronically filed the foregoing DEFENDANT'S AMENDED NOTICE OF MOTION AND MOTION TO TRANSFER VENUE, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Marianne G Dugan
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Matthew D. Vespa
mvespa@biologicaldiversity.org

Dated: May 7, 2008

/s/ Brian C. Toth
BRIAN C. TOTH
Attorney for Defendant Rural Utilities Service